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Attorneys for Plaintiff  
**LIBERTY MUTUAL INSURANCE COMPANY**

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

**LIBERTY MUTUAL INSURANCE  
 COMPANY,**

Plaintiff,

vs.

**MICHAEL T. BLATT,**

Defendant.

Case No. C 06 2022 SC

**JOINT REQUEST AND MOTION  
 TO CONTINUE FINAL MOTION  
 HEARING DATE AND TO  
 CONTINUE DISCOVERY  
 CUTOFF; DECLARATION OF J.  
 CHRISTOPHER BENNINGTON**

**Trial Date: November 19, 2007**

Plaintiff Liberty Mutual Insurance Company and Defendant Michael T. Blatt hereby jointly ask the court to continue the last date for the hearing of motions and the discovery cutoff. The last date for the hearing of motions, including motions for summary judgment, is currently set for October 12, 2007, and the discovery cutoff is September 9, 2007.

As set forth in the attached declaration of J. Christopher Bennington, the parties have only recently engaged in the mediation of this matter. The mediation was delayed because of difficulty in finding a date convenient for the parties and the mediator. While the case did not settle at the recent mediation, progress was made, and the parties continue to negotiate in an effort to resolve the case. Some additional time before discovery ends and

1 motions must be filed may aid in the efforts to settle the case.  
2

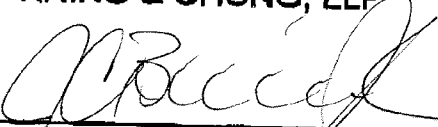
3 The parties are also attempting to negotiate a set of stipulated facts  
4 that will significantly lessen the need for discovery and reduce the amount of  
5 testimony and other evidence that must be introduced at the time of trial or at  
6 the hearing of any motion for summary judgment. It may prove impossible to  
7 reach an agreement about such a set of stipulated facts if the parties are  
8 forced to work under the restrictions of the current discovery cutoff.  
9

10 The motion is jointly requested by both parties and is made in a good  
11 faith effort to accommodate each other and the court. The parties request  
12 the court to continue the final hearing date for non-discovery motions to  
13 October 26, 2007 and the discovery cutoff to September 28, 2007.  
14

15 Dated: August 27, 2007

KRING & CHUNG, LLP

16  
17 By:

  
Ronald J. Skocypec  
J. Christopher Bennington  
Attorneys for Plaintiff  
LIBERTY MUTUAL  
INSURANCE COMPANY

20  
21 FOREMAN & BERSSO

22  
23 By:

  
Ronald Foreman  
Attorneys for Defendant  
MICHAEL T. BLATT

**DECLARATION OF J. CHRISTOPHER BENNINGTON**

J. Christopher Bennington declares:

I am an attorney at law licensed to practice before all of the courts of the State of California. I have also been admitted before the United States District Court for the Northern District of California. I am associated with Kring & Chung, LLP, counsel of record for plaintiff Liberty Mutual Insurance Company. I could testify from personal knowledge as to the following matters if called upon to do so by the court.

A status conference was held in this matter on March 23, 2007. At that time, the court ordered a trial date of November 19, 2007. The court also set a discovery cutoff date of September 9, 2007 (which is a Sunday), and ordered that the last date for hearing regularly scheduled motions be set for October 12, 2007.

At that time, the parties were engaged in trying to set a convenient date for the mediation before the mediator, Richard Warren. Some delay was then engendered by the fact that my colleague, Ronald Skocypec, and I changed firms effective March 26, 2007. When efforts continued to set the mediation date, the first date convenient to all parties was August 20, 2007. The mediation was scheduled for and held on that date.

At the mediation, some progress was made toward settlement. Negotiations are continuing.

1 Prior to the mediation, Liberty Mutual served Mr. Blatt with written  
2 discovery. In order to preserve resources, the parties refrained from taking  
3 depositions pending the responses to that written discovery and the  
4 completion of the mediation. The parties have now tentatively set the  
5 deposition of defendant's counsel, Mr. Foreman, for the first week of  
6 September, but they are still trying to coordinate a convenient date for the  
7 deposition of defendant, Mr. Blatt.

8  
9 In the meantime, the parties are discussing the possibility of stipulating  
10 to a series of facts that may obviate altogether the need to depose either Mr.  
11 Foreman or Mr. Blatt. Those facts would be available for use at trial and in  
12 conjunction with Liberty Mutual's anticipated motion for summary judgment.  
13 However, the parties may not be in a position to finish negotiating those  
14 stipulated facts without a continuance of the discovery cutoff and the last  
15 date for hearing motions. If the stipulation can be completed, it should save  
16 time and resources for the parties and for the court.

17  
18 I spoke with Mr. Foreman last week by telephone and he is an  
19 agreement that we make this joint request for a little additional time for  
20 discovery and for motions. Both parties would appreciate hearing from the  
21 court as soon as possible.

22  
23 Executed under penalty of perjury on August 27, 2007 at Westlake  
24 Village, California.

25  
26   
27 J. Christopher Bennington  
28

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 38 Corporate Park, Irvine, CA 92606-5105.

On August 29, 2007, I served true copies of the foregoing document(s) described as **JOINT REQUEST AND MOTION TO CONTINUE FINAL MOTION HEARING DATE AND TO CONTINUE DISCOVERY CUTOFF; DECLARATION OF J. CHRISTOPHER BENNINGTON** on the interested parties in this action, addressed as follows:

Ronald D. Foreman, Esq.  
 Russell F. Brasso, Esq.  
 FOREMAN & BRASSO  
 930 Montgomery St., Suite 600  
 San Francisco, CA 94133  
 Tel.: (415) 433-3475  
 Fax: (415) 781-8030

☒ BY U.S. MAIL: The documents were placed in sealed, addressed envelopes on the above date and placed for collection and mailing at my place of business. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 29, 2007, at Irvine, California.




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 MICHELLE BENNETT

Ronald J. Skocypec, Bar No. 72690  
J. Christopher Bennington, Bar No. 105432  
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LIBERTY MUTUAL INSURANCE  
COMPANY,

Plaintiff,

vs.

MICHAEL T. BLATT,

Defendant.

Case No. C 06 2022 SC

**[PROPOSED] ORDER ON JOINT  
REQUEST AND MOTION TO  
CONTINUE FINAL MOTION  
HEARING DATE AND TO  
CONTINUE DISCOVERY CUTOFF**

**Trial Date: November 19, 2007**

Based on the joint request and the stipulation of the parties, IT IS  
HEREBY ORDERED:

1) That the last date for hearing of regularly scheduled motions is  
continued from October 12, 2007 to October 26, 2007; and

2) The discovery cutoff is continued from September 9, 2007 to  
September 28, 2007.

DATED: August \_\_, 2007

By: \_\_\_\_\_  
The Honorable Samuel Conti  
Judge of the United States District Court

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MICHELLE BENNETT